



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

October 22, 2007

James Cain
IDS Real Estate Corporation
515 South Figueroa Street
16th Floor
Los Angeles, CA 90071

CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS CERTIFICATION FOR TRACT MAP 18429, CITY OF REDLANDS (ACOE REFERENCE NO. NOT AVAILABLE)

Dear Mr. Cain:

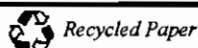
On June 6, 2007, we received an application for Clean Water Act Section 401 Water Quality Standards Certification (Certification), submitted on your behalf by David Evans & Associates, Inc., for Tract Map 18429 (TM 18429) in the City of Redlands. This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments:

Project Description: Subdivision of a 20.62 acre site into six industrial/commercial lots and the construction of a 282,385-square foot warehouse complex with approximately nine buildings. The project includes the construction of a local storm drain discharging to the adjacent Mission Zanja Creek. The project is located northeast of the intersection of Park Avenue and Nevada Street within an un-sectioned portion of Township 1 South, Range 3 West, of the U.S. Geological Survey *Redlands, California*, 7.5-minute topographic quadrangle map (34.05794 degrees N/ -117.21239 degrees W).

Receiving water: Mission Zanja Creek.

Fill area: 0.0009 acres of permanent impact to an ephemeral drainage (50 linear feet).

California Environmental Protection Agency



Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 43 and 2.

You have proposed to mitigate water quality impacts as described in your Certification application and subsequent submittals. The proposed mitigation is summarized below:
Onsite Water Quality Standards Mitigation Proposed:

- Nuisance flow and 'first-flush' discharges from the industrial/commercial areas will be treated using vegetated swales. One swale will also function to detain discharges in order to address hydraulic conditions of concern.
- Trash containment enclosures will be isolated from storm water run-on and will drain into landscaped areas or vegetated swales.
- Additional site-specific best management practices (BMPs) will be specified in the final Water Quality Management Plan (WQMP) and in the site's Storm Water Pollution Prevention Plan (SWPPP).

Offsite Water Quality Standards Mitigation Proposed:

- No offsite water quality standards mitigation is proposed.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State. This project is over one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, is required, as is development of a Storm Water Pollution Prevention Plan (SWPPP), to control the discharge of pollutants from the project site.

You have applied for a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to the California Environmental Quality Act (CEQA), the City of Redlands adopted a Mitigated Negative Declaration (MND) for PM 18429 on May 7, 2007.

The development project partly encroaches into the 100-year floodplain of the Mission Zanja Channel. In the City's MND, potential flooding impacts were to be mitigated by elevating structures above the elevation of the flood plain. This mitigation measure was later deemed too costly and has been substituted with the construction of a dike along

the Channel. The construction of the dike, along with other efforts to similarly confine the flood plain, has the cumulative potential to result in the destabilization of the Mission Zanja Channel.

On September 14, 2007, your application for Certification was denied because an MND that identified measures to mitigate the cumulative impacts of floodplain encroachment on the Mission Zanja Channel had not been provided. In letters dated June 21, 2007 and July 13, 2007, Regional Board staff requested that the City identify this mitigation in the project's MND. An amended MND was provided on September 20, 2007.

As described in the amended MND, the City intends to mitigate flooding through the construction of an upstream detention basin, an underground storm drain through East Redlands parallel to the Mission Zanja Channel, and a parallel storm drain through Downtown Redlands. These drainage improvements would maintain the Mission Zanja Channel as an earth-bottom drainage. The amended MND, with the incorporated mitigation measures, has been considered in the issuance of this Certification.

This 401 Certification is contingent upon the execution of the following conditions:

1. This Certification is conditioned upon the construction of all proposed storm water treatment facilities as proposed. All structural storm water treatment facilities shall be constructed and operational prior to the occupancy of any building.
2. Regional Board staff and other authorized representatives shall be allowed:
 - a. Entry upon premises where storm water treatment facilities are located, or where records are kept under the requirements of this Certification and other applicable waste discharge requirements;
 - b. Access to copy any records that are kept under the requirements of this Certification and other applicable waste discharge requirements;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations related to the treatment of storm water runoff from the project site; and
 - d. To photograph, sample and monitor for the purpose of assuring compliance with this Certification and other applicable waste discharge requirements.
3. This Certification and any subsequent amendments shall be maintained on site as a denoted element of any project SWPPP or WQMP.
4. IDS Real Estate Group shall provide geographic information system shape files in a portable digital format to Regional Board staff not later than December 22, 2007. The shape files shall include the project boundaries and polygons for the structural storm water treatment facilities. The shape file attributes shall include the Regional Board File Number (362007-16), the project name, and the discharger name. For

information regarding the required projection and other technical data specifications, please contact Heather Boyd at (951) 320-2006.

5. This Certification is transferable only upon written notice to the Executive Officer. The notice shall include written acknowledgement of this Certification by the transferee's authorized representative.

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

Although we anticipate no further regulatory involvement, if the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, we may formulate Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

In response to a suspected violation of any condition of this certification, the Santa Ana Regional Water Quality Control Board (Regional Board) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate. The burden,

including costs, of the reports shall be reasonable in relation to the need for the reports and the benefits to be obtained from the reports.

In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance. Pursuant to California Code of Regulations Section 3857, we will take no further action on your application. Please notify our office five (5) days before construction begins on this project.

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at www.swrcb.ca.gov/resdec/wqorders/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Stephanie Hall
State Water Resources Control Board, OCC – Erik Spiess
State Water Resources Control Board, DWQ-Water Quality Certification Unit – Bill Orme
California Department of Fish and Game, Ontario Office – Jeff Brandt
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini and David Smith